

Mail Stop: AMENDMENT  
 COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, VA 22313-1450



Docket No.: 478,1075  
 Date: March 2, 2007

*JW*

In re application of: David MORTON, et al.  
 Application No.: 10/571,146  
 Filed: March 9, 2006  
 For: DRY POWDER COMPOSITION COMPRISING CO-JET MILLED PARTICLES FOR PULMONARY INHALATION

Sir:

Transmitted herewith is an Information Disclosure Statement (2 pages) in the above-identified application.

- Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- No fee for additional claims is required.
- A filing fee for additional claims calculated as shown below, is required:
  
- Also transmitted herewith are:
  - Petition for extension under 37 C.F.R. 1.136
  - Other: - Form PTO-1449 (1 page)
  - Copy of WO 2004/060344 (45 pages)
  - Return Receipt Postcard
  
- Check(s) in the amount of is/are attached to cover:
  - Filing fee for additional claims under 37 C.F.R. 1.16
  - Petition fee for extension under 37 C.F.R. 1.136
  - Other:
  
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
  - Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
  - Any patent application processing fees under 37 C.F.R. 1.17.
  - Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

*Robert J. Paradiso*  
 Robert J. Paradiso, Reg. No. 41,240  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 2, 2007.  
 DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: *Oleg Ioselevich*  
 Oleg Ioselevich

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: David MORTON *et al.*  
Serial No.: 10/571,146  
Filed: March 9, 2006  
For: **DRY POWDER COMPOSITION COMPRISING CO-JET MILLED PARTICLES FOR PULMONARY INHALATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 2, 2007

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.56

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application.

Pursuant to 37 C.F.R. § 1.98 (a), a copy of the document listed in the FOREIGN PATENT DOCUMENTS section of the accompanying Form PTO-1449 is enclosed.

It is respectfully requested that the documents listed on the accompanying Form PTO-1449 be considered and made of record.

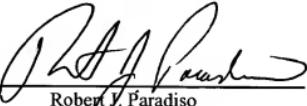
This Information Disclosure Statement is filed under 37 C.F.R. §1.97 (b), before the mailing of a first Office Action on the merits. Accordingly, it is believed that no fee is due. In the event any additional fee is due in connection with the filing of this Information Disclosure

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A./

Statement, the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:

  
Robert J. Paradiso  
Reg. No. 41,240

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A.A./

FORM BTG-149 MAR 7 2007  MAR 06 2007 Use several sheets if necessary		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE							ATTY. DOCKET NO.: 478.1075	SERIAL NO.: 10/511,146					
									APPLICANT(S): David MORTON et al.						
									FILING DATE: March 9, 2006	GROUP: 1616					
U.S. PATENT DOCUMENTS															
*EXAMINER INITIAL		DOCUMENT NUMBER						DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE			
AA		20	04	01	21	0	0	3	06/24/04	Chickering et al.	424	489			
AB		20	05	00	79	1	3	8	04/14/05	Chickering et al.	424	489			
AC		20	06	00	93	6	7	8	05/04/06	Chickering et al.	424	489			
AD		20	06	00	93	6	7	7	05/04/06	Chickering et al.	424	489			
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		DOCUMENT NUMBER						DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION			
J.H.A.A./	AR	AO	20	04	06	0	3	4	4	07/22/04	WO	A61K	9/00	YES	NO
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)															
AR															
EXAMINER /James Alstrum Acevedo/								DATE CONSIDERED 03/25/2010							
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.															

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH J.H.A.A./